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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,155	05/09/2001	Peter T. McCarthy	NATURES.018A	3868

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EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/12/03 & 2/21/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 73-242 is/are pending in the application.
- ☒ Of the above claim(s) 104-106, 111, 157-160, 163, 165-170, 176-179 is/are withdrawn from consideration.
- ☒ Claim(s) 181-208 is/are allowed.
- ☒ Claim(s) 73-163, 107-110, 113-144, 149-156, 161, 162, 164, 171-175, 180, 209-219, 221-240 is/are rejected.
- ☒ Claim(s) 112, 145-148, 220, 241, 242 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

1. Applicant's election without traverse of the species of figures 39-41 in Paper No. 10 is acknowledged. Since Applicant is required to state which claims read upon the elected specie, the listing provided by Applicant has been used in the action which follows.

2. Claim 149 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 149, "said S-shaped" lacks antecedent basis in the claim(s).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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4. Claims 73,74,76-97,103,107 and 180 are rejected under 35 U.S.C. 102(e) as being anticipated by Viale et al. '728.

Viale et al. '728 discloses the claimed invention, including a hinging region at **112** providing a region of increased flexibility. The amount of claimed deflection is disclosed, and the claimed elongation range is inherent with the disclosed degree of deflection.

5. Claims 73-103,107-110,172-175 and 180 are rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain '765.

Great Britain '765 discloses the claimed invention, including a hinging region of reduced cross section.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 113,117-135,150-156,164,171,175,209-219,221-240 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viale et al. '728 in view of Takizawa.

Viale et al. '728 is discussed above, and fails to disclose the well known bowing of the active portion of the blade.

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Takizawa discloses the bowing of the active portion as is old and well known in the art. The claimed degree of flexibility is inherent.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide some degree of flexibility to the active blade portion of Viale et al. '728 as taught by Takizawa.

Such a combination would have been desirable at the time of the invention was made so as to provide an increase in efficiency.

8. Claims 113-144,150-156,161,162,164,171,209,210,214-219,221-240 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain '765. in view of Takizawa.

Takizawa is applied as above.

Claims 141,142,144 and 199 carry no weight, as such are method of making, dependent from a method of improving.

9. Claims 220,241 and 242 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 181-208 are allowed.

11. Papers relating to this application may be submitted to Technology Center 3600 by facsimile transmission. The submission of such papers by facsimile transmission must comply with the notice published in the Official Gazette, **1096 OG 30** (November 15, 1989). The Fax Center number is (703)-872-9326.

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12. Any inquiry concerning this communication should be directed to Ed L. Swinehart whose telephone number is (703)-308-2566.

13. Any inquiry of a general nature or relating to the status of the application should be directed to the Technology Center 3600 receptionist whose telephone number is (703)-308-1113.

May 13, 2003

A handwritten signature in black ink, consisting of several overlapping loops and a trailing flourish.

Ed L. Swinehart
Primary Examiner
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